



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/875, 424 07/28/97 HENRICSON

K 30-440

EXAMINER

IM52/0501

NIXON & VANDERHYE
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201ALVO M.
ART UNIT PAPER NUMBER

22

1731

DATE MAILED:

05/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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ART UNIT	PAPER NUMBER
22	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

In response to the Order Remanding To Examiner the following actions have been taken:

The Information Disclosure Statement filed on March 9, 2001, after Final Rejection, was not considered by the Examiner as it did not comply with the requirements of 37 CFR 1.98. Applicant did not supply a proper certification required when an IDS is filed after Final Rejection.

A statement under this section must state either:

- (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Appellant has not complied with this requirement as the certification only included the second part of certification (2). It did not include the statement "That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application,"

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The Information Disclosure Statement has been placed in the application file with the non-complying information **not** being considered. The case is being returned to the Board of Appeals.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731

MSA
April 26, 2001